



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Cedar City Field Office
176 East DL Sargent Drive
Cedar City, Utah 84720

M/001/059

In Reply Refer To:
UT-040
3809: UTU-79732

September 6, 2002

Mr. D. Wayne Hedburg
Permit Supervisor
Minerals Regulatory Program
State of Utah, Division of Oil, Gas, and Mining
P.O. Box 145801
Salt Lake City, UT 84114-5801

RECEIVED

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**DIVISION OF
OIL, GAS AND MINING**

Dear Mr. Hedburg:

I am writing in regard to your initial review of Western Utah Copper Company's (WUCC) pending large mine permit application for the Maria Mine (M/001/059). As you are aware, this office has previously reviewed and accepted a plan of operations submitted for this same operation under the 43 CFR 3809 regulations.

Recent discussions with our State Office have identified an oversight in our review of this proposal under the applicable 3809 regulations. The oversight is the need for an ongoing monitoring plan to confirm the company's contention that no regulatable discharges will occur to surface or groundwater from the disposal of de-watered flotation tailings into the Hidden Treasure pit. This office believes that the company's assertions regarding the tailings are reasonable and that the Division of Water Quality's finding is correct that the proposal should not require a discharge permit if the proposal is carried out as planned. However, our State Office has pointed out that the only way to confirm that no regulatable discharges will occur is to require a monitoring program by the company.

WUCC's assertion that no discharges of any regulatable substances will occur from the impoundment is premised on the dual argument that 1) the tailings will be composed of inert minerals oxides, carbonates and silicates, and residual amounts of flotation reagents, none of which will result in discharges of any regulatable substance, and 2) there will not be free water available to transport any substance from the impoundment to groundwater. The tailings

will be de-watered to a low-moisture content before emplacement and will be maintained at a low moisture content thereafter by a climatic evaporation rate that grossly exceeds precipitation.

Logically, the monitoring program should assess the validity of the company's arguments. We would like to suggest a program to accomplish this, while minimizing the financial burden to the company.

To confirm that no regulatable discharges are occurring from the impounded material, we would like to suggest the installation of a lysimeter at the base of the impoundment. This lysimeter would be ~20' square, connected by a short length of piping to a collection receptacle located within the buffer zone between the private and BLM portions of the pit floor. Any fluid collected by the lysimeter would be subjected to quantitative analysis on a quarterly basis.

To assess the composition of the tailings we believe that quarterly analyses should be performed on representative tailings delivered to the impoundment. The tests to be performed should be a quantitative analysis of the mineral composition as well as any test capable of quantifying moisture content.

I am open to any suggestions your staff may have as to how our agencies might best monitor the tailings impoundment to ensure no regulatable discharges occur to surface or groundwater. Absent more effective monitoring methods, I would like to request that you consider the above two methods as requirements for approval of the large mine permit for this operation.

Should you have any questions or wish to discuss this matter in more detail, feel free to contact Ed Ginouves of my staff at (435) 865-3040.

Sincerely,

A handwritten signature in black ink, reading "Randy A. Trujillo". The signature is fluid and cursive, with the first name "Randy" being more prominent.

Randy Trujillo
Associate Field Office Manager

cc: Mr. Mark Dotson, Project Manager, WUCC